

**REMARKS**

This communication is responsive to the outstanding Office Action. Claims 21-23, 25-26, and 36 have been canceled without disclaimer or prejudice to the filing of one or more applications based on the subject matter of these claims. As a result of the present Amendment, claims 1, 2, 3, 6, 8, and 34 remain pending in the case (two independent claims, six claims total).

**A. Section 103 Rejections**

All claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,548,633, (the "633 reference") in view of U.S. Pat. No. 6,252,883 (the "883 reference"). Applicant respectfully traverses this rejection as to the claims as amended.

The '633 reference relates to a telemetry system used in connection with data collection over a network. While it does include a description of utility meter information transmitted in this way, it does not disclose each and every claim of the present invention as amended, even when combined with the '883 reference, which also generally relates to the transmission of utility information over a network.

Specifically, if one were to combine these two references, the resulting system would not include the following unique combination of steps:

- a) receiving metering data and operation status information related to the meter;
- b) automatic, substantially real-time transmission of this data over the Internet;
- c) the calculation of billing data using generation costs, transmission costs, and distribution costs; and

d) a reporting system where the consumer can see the metering and billing data on-line.

The '883 reference tangentially relates to monitoring of utility meters (see, e.g., col. 6, line 10), but does not disclose calculation of billing data in the way recited in the amended claims, nor does it disclose a web-based reporting system. The '633 reference also generally describes the transmission of utility data, but does not include each of the elements highlighted above. The '633 patent is primarily focused on transmission protocols for the data. There is no suggestion of performing calculations regarding the billing data and communicating this information to the client via a web interface. Nor does the '633 reference disclose the transmission of operation status information.

Accordingly, as a result of the present Amendment, no combination of the cited references would include each and every element of the claims as amended.

**B. Conclusion**

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance, and earnestly solicits a Notice of Allowance at the Examiner's earliest convenience. The Examiner is invited to telephone the undersigned if such would advance prosecution of this Application in any way.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By \_\_\_\_\_  
Daniel R. Pote  
U.S. Reg. No. 43,011

**SNELL & WILMER LLP.**

One Arizona Center  
Phoenix, AZ 85004-2202  
Phone: (602) 382-6325  
Fax: (602) 382-6070  
[dpote@swlaw.com](mailto:dpote@swlaw.com)